

PAGE: 1

SEQUENCE VERIFICATION REPORT
PATENT APPLICATION US/08/573,569

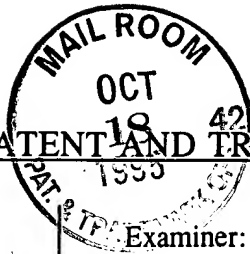
DATE: 04/17/96
TIME: 09:44:23

INPUT SET: S2593.raw

Line

Error

Original Text



Attorney Docket 203442025700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

Hunein F. Maassab, et al.

Serial No.: 08/082,846

Filed: June 29, 1993

For: COLD-ADAPTED INFLUENZA VIRUS

Examiner: A. Caputa

Group Art Unit: 1813

RECEIVED
NOV 13 1995
GROUP 1813

PETITION FOR EXTENSION OF TIME

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

The following extension of time is requested in response to the Office Action of June 14, 1995.

One month to October 14, 1995. The extension fee is \$55.00.

A check in the amount of \$55.00 is attached.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: October 13, 1995

By Antoinette F. Konski
Antoinette F. Konski
Registration No. 34,202

MORRISON & FOERSTER
755 Page Mill Road
Palo Alto, CA 94304-1018
Telephone: (415) 813-5600
Facsimile: (415) 494-0792

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on October 13, 1995.

October 13, 1995

Date

Annette Grandos

Signature



PATENT
Atty Dkt 20344-2025700

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on June 6, 1994

6/6/94
Date

Gary Carrasco
Gary Carrasco

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Hunein F. Maassab and Martha L. Herlocher

Serial No.: 08/082,846

Group Art Unit: 1813

Filing Date: June 29, 1993

Examiner: A. Caputa

Title: COLD-ADAPTED INFLUENZA VIRUS

RESPONSE TO RESTRICTION REQUIREMENT

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

RECEIVED

JUN 21 1994

GROUP 1800

Dear Sir:

This is in response to the Restriction Requirement mailed May 6, 1994, for which the 30-day shortened statutory period for response expires June 5, 1994.

Please amend the claims as follows:

Please add new claim 18.

18. (ADDED) An isolated nucleic acid having a nucleotide sequence comprising at least one of the following sequences: SEQ ID 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, or any combination thereof.

REMARKS

Claims 1-17 are pending and subject to a restriction requirement. Claim 18 has been added.

The Examiner has issued a Restriction Requirement, finding the following two inventions in the application:

Group I (Claims 1-9, 12-17) drawn to nucleic acid sequence, reassortant influenza virus, vaccine and method of treatment; and

Group II (Claims 10, 11) drawn to polypeptide.

The Examiner has also requested the election of a single species for prosecution, finding no claim generic. The Examiner has also asked Applicants to confirm the SEQ ID Nos. set forth in the Restriction Requirement.

With respect to the Examiner's request for confirmation of the SEQ IDs, Applicants have found certain discrepancies set forth in the Restriction Requirement and provide the Examiner with the following SEQ ID numbers for Groups I and II:

Group I

- a. NS1-SEQ ID 1, 21
- b. NS2-SEQ ID 3, 23
- c. M-SEQ ID 5, 7, 25, 27
- d. NP-SEQ ID 9, 39
- e. PA-SEQ ID 11, 33
- f. PB1-SEQ ID 13, 31
- g. PB2-SEQ ID 15 29
- h. HA-SEQ ID 17, 35
- i. NA-SEQ ID 19, 37
- j. combination thereof

Group II

- a. NS1-SEQ ID 2, 22
- b. NS2-SEQ ID 4, 24
- c. M-SEQ ID 6, 8, 26, 28
- d. NP-SEQ ID 10, 40
- e. PA-SEQ ID 12, 34
- f. PB1-SEQ ID 14, 32
- g. PB2-SEQ ID 16, 30
- h. HA-SEQ ID 18, 36
- i. NA-SEQ ID 20, 38
- j. combination thereof

As to the restriction requirement, Applicants elect the invention of Group I, and species g of Group I, i.e. PB2-SEQ ID 15 (ca), 29 (wt2). Pursuant to the telephone discussion

with the Examiner on June 2, 1994, Applicants have also added Claim 18 which Applicants respectively submit obviates the lack of a generic claim as to the sequence claims. Applicants also respectively request the Examiner to contact the undersigned should Claim 18 not meet the Examiner's concerns as discussed on the telephone.

Applicants thus respectfully submit that the elected claims stand ready and in condition for allowance and such allowance is courteously solicited. Applicants also expressly reserve their right under 35 USC 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to our Deposit Account No. 03-1952. However, the Commissioner is not at this time authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

By Anna Lewak Wight
Anna Lewak Wight
Registration No. 33,006

MORRISON & FOERSTER
755 Page Mill Road
Palo Alto, CA 94304-1018
Seattle Phone (206) 292-6300
Seattle Fax: (206) 292-6301



PATENT
Atty Dkt 20344-2025700

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on June 6, 1994

6/6/94
Date

Gary Carrasco
Gary Carrasco

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Hunein F. Maassab and Martha L. Herlocher

Serial No.: 08/082,846

Group Art Unit: 1813

Filing Date: June 29, 1993

Examiner: A. Caputa

Title: COLD-ADAPTED INFLUENZA VIRUS

CHANGE OF ENTITY STATUS

RECEIVED

JUN 21 1994

GROUP 1800

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Please change the entity status of the above-entitled application from small entity to large. If any additional fees are due in connection with the change of status or filing of this document please charge the cost to our Deposit Account No. 03-1952.

Respectfully submitted,

By Anna Lewak Wight
Anna Lewak Wight
Registration No. 33,006

MORRISON & FOERSTER
755 Page Mill Road
Palo Alto, CA 94304-1018
Seattle Phone (206) 292-6300
Seattle Fax: (206) 292-6301